

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ERIC S. SMITH,
#M48251,

Plaintiff,

v.

DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Case No. 23-cv-03882-SPM

ORDER OF DISMISSAL

MCGLYNN, District Judge:

On January 4, 2024, the motion for leave to proceed *in forma pauperis* filed by Plaintiff was denied. (Doc. 9). Plaintiff has “struck out” under 28 U.S.C. § 1915(g), and he did not meet the requirements of the imminent danger exception. Plaintiff was ordered to pay the filing fee of \$405.00 on or before January 25, 2024, and was warned that failure to comply would result in dismissal of the action. *Id.* Plaintiff was later granted an extension, and the deadline for paying the filing fee was reset for February 8, 2024. (Doc. 11).

To date, Plaintiff has failed to pay the filing fee. Therefore, this action is **DISMISSED** without prejudice for failure to comply with orders of this Court and for failure to prosecute his claims. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

Plaintiff is **ADVISED** that his obligation to pay the filing fee for this action was incurred at the time the action was filed. Therefore, the filing fee of \$405.00 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

The Clerk of Court is **DIRECTED** to enter judgment and close this case.

IT IS SO ORDERED.

DATED: April 17, 2024

s/Stephen P. McGlynn

STEPHEN P. MCGLYNN
United States District Judge